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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

Christene D. Geoghegan

Case No.: 18-cv-07180
(JFB)(AYS)

Plaintiff(s),

- against -

Robscot Realty Inc. d/b/a Brody McKay's
Tavern, Petite Realty Corp., and Robert
Petitpain

Defendant(s).

**DECLARATION OF STEVEN J. MOSER IN SUPPORT OF REQUEST TO ISSUE
CERTIFICATE OF DEFAULT AS TO DEFENDANTS
ROBSCOT REALTY INC. D/B/A BRODY MCKAY'S TAVERN
AND
PETITE REALTY CORP.**

Steven John Moser declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct.

1. I am the attorney for the Plaintiff in this action.
2. I am admitted to practice before this Court.
3. I submit this declaration in support of Plaintiffs' Request for Issuance of a Certificate of Default against Defendant Robscot Realty Inc. d/b/a Brody McKay's Tavern and Petite Realty Corp.
4. This action was commenced to remedy violations of the Fair Labor Standards Act 29 U.S.C. §201 et seq., and the New York Labor Law Article 19, §§ 650 et seq. The Complaint was filed on December 17, 2018. *See* ECF Docket Entry No. 1.

ROBSCOT REALTY INC. D/B/A BRODY MCKAY'S TAVERN

5. A proposed Certificate of Default against Robscot Realty Inc. d/b/a Brody McKay's Tavern is annexed hereto as Exhibit 1.

6. A summons was issued as to Defendant Robscot Realty Inc. d/b/a Brody McKay's Tavern on December 19, 2018. *See* ECF Docket No. 3.

7. On February 4, 2019, the service of the Summons and Complaint on Defendant Robscot Realty Inc. d/b/a Brody McKay's Tavern was completed.

8. Proof of service of the Summons and Complaint on Robscot Realty Inc. d/b/a Brody McKay's Tavern was filed with the Court on March 14, 2019. *See* ECF Docket No. 4. A copy of the proof of service is annexed hereto as Exhibit 2.

9. The time for Defendant Robscot Realty Inc. d/b/a Brody McKay's Tavern to answer or otherwise move with respect to the complaint herein has expired.

10. The time for Defendant Robscot Realty Inc. d/b/a Brody McKay's Tavern to answer or otherwise move with respect to the complaint herein has not been extended.

PETITE REALTY CORP.

11. A proposed Certificate of Default against Petite Realty Corp. is annexed hereto as Exhibit 3.

12. A summons was issued as to Defendant Petite Realty Corp. on December 19, 2018. *See* ECF Docket No. 3.

13. On February 4, 2019, the service of the Summons and Complaint on Defendant Petite Realty Corp. was completed.

14. Proof of service of the Summons and Complaint on Petite Realty Corp. was filed with the Court on March 14, 2019. *See* ECF Docket No. 5. A copy of the proof of service is annexed hereto as Exhibit 4.

15. The time for Defendant Petite Realty Corp. to answer or otherwise move with respect to the complaint herein has expired.

16. The time for Defendant Petite Realty Corp. to answer or otherwise move with respect to the complaint herein has not been extended.

17. On January 17, 2019 I received a letter from Paul L. Dashefsky, Attorney at Law, on behalf of the defendant Robert Petitpain. Mr. Dashefsky's address is Paul L. Dashefsky, 317 Middle Country Rd., Smithtown, NY 11787. (*See* Exhibit 5).

18. The address designated by Robscot Realty Inc. for service of process is Robscot Realty Inc., 1327 Middle Country Road, Centereach, NY 11720. (*See* Exhibit 6).

19. The address designated by Petite Realty Corp. for service of process is Petite Realty Corp., c/o Fred M. Schwartz, Esq., 317 Middle Country Rd., Smithtown, NY 11787. (*See* Exhibit 7).

20. This Declaration, the Proposed Certificate of Default, and the papers upon which the requested relief is based were served via United States First Class Mail to the following on March 14, 2019:

Paul L. Dashefsky
317 Middle Country Rd.
Smithtown, NY 11787

Robscot Realty Inc.
1327 Middle Country Road
Centereach, NY 11720

Petite Realty Corp.
c/o Fred M. Schwartz, Esq.
317 Middle Country Rd.
Smithtown, NY 11787

WHEREFORE, Plaintiffs request that the default of Defendants ROBSCOT REALTY INC. D/B/A BRODY MCKAY'S TAVERN and PETITE REALTY CORP. be noted and that a Certificate of Default be issued with regard to said defendants.

Dated: Glen Cove New York
March 14, 2019

A handwritten signature in blue ink, appearing to read 'Steven John Moser', is written over a horizontal line.

Steven John Moser, Esq. (SM1133)